

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.)
W.A. DREW EDMONDSON, in his)
Capacity as ATTORNEY GENERAL OF)
THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C MILES TOLBERT,)
in his capacity as the TRUSTEE FOR)
NATURAL RESOURCES FOR THE)
STATE OF OKLAHOMA,)

Plaintiffs)

v.)

Case No. 4:05-cv-00329-JOE-SAJ

TYSON FOODS, INC.,)
TYSON POULTRY, INC.,)
TYSON CHICKEN, INC.,)
COBB-VANTRESS, INC.,)
AVIAGEN, INC.,)
CAL-MAINE FOODS, INC.,)
CAL-MAINE FARMS, INC.,)
CARGILL, INC.,)
CARGILL TURKEY PRODUCTION, LLC,)
GEORGE'S, INC.,)
GEORGE'S FARMS, INC.,)
PETERSON FARMS, INC.,)
SIMMONS FOODS, INC.,)
WILLOW BROOK FOODS, INC.,)

Defendants)

JOINDER BY SEPARATE DEFENDANT SIMMONS FOODS, INC. IN
MOTIONS FILED BY OTHER DEFENDANTS

Defendant Simmons Foods, Inc. joins in the following Motions filed by Other Defendants and incorporates by reference all statements, arguments and points of authority contained therein:

1. Tyson Chicken, Inc.'s Motion to Dismiss Counts 4, 5, 6 and 10 of the First Amended Complaint under the Political Question Doctrine and Opening Integrated Brief in Support.

2. Tyson Poultry, Inc.'s Motion to Dismiss Count 3 of the Plaintiffs' First Amended Complaint and Integrated Opening Brief in Support.

3. Tyson Foods, Inc.'s Motion to Dismiss Counts 4-10 of the First Amended Complaint and Integrated Opening Brief in Support.

4. Cobb-Vantress, Inc.'s Motion to Dismiss Counts Four, Six, Seven, Eight, Nine and Ten of the First Amended Complaint or, Alternatively, to Stay the Action and Integrated Opening Brief in Support.

5. Defendants Tyson Foods, Inc., Tyson Poultry, Inc., Tyson Chicken, Inc. and Cobb-Vantress, Inc.'s Motion for a More Definite Statement with Respect to Counts One and Two of the Amended Complaint and Integrated Opening Brief in Support.

6. Peterson Farms, Inc.'s Motion to Dismiss and, or in the Alternative, Motion to Stay Proceedings Pending Appropriate Regulatory Agency Action and Brief in Support.

7. Cargill Defendants' Motion to Strike Plaintiffs' Designation of Complaint as "Related Case."

DATED this 3rd day of October, 2005.

s/John R. Elrod

John R. Elrod

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CERTIFICATE OF SERVICE

I hereby certify that on October 3, 2005, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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This the 3rd day of October, 2005

s/John R. Elrod

John R. Elrod